IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

...

FAO No.5187 of 2004 (O&M)

Decided on : January 09, 2006

Golly @ Rakesh Kumar & anr. ...Appellants

VERSUS

Amarjit Singh ...Respondent

CORAM :
HON'BLE MR.JUSTICE JASBIR SINGH
HON'BLR MR.JUSTICE BALDEV SINGH

Present: Mr.D.S.Pheruman, Advocate for the appellants.

JASBIR SINGH, J. (Oral) -

This order shall dispose of two appeals i.e. FAO No.5187 of 2004 and FAO NO.5186 of 2004, as both have arisen out of the same award.

The appeals have been filed against the award dated 10.4.2004 passed by the Motor Accidents Claims Tribunal, Amritsar, vide which compensation has been awarded to the respondent – claimant on account of death of his wife and two minor children. It is apparent from the record that in a motor vehicular accident on 21.6.2002 the above said three persons were killed. In the written statement, the appellants had denied that the truck/ offending vehicle was involved in that accident. It was their defence that the truck had been falsely involved with a view to get compensation. To prove the factum of accident, respondent himself appeared as PW-1 and one Gurjant Singh (PW-2) was produced in the witness box to give an eye-witness account of the mode and manner in which the accident had taken place. Counsel for the appellant has failed to show anything which may compel us to interfere in the finding given by the Tribunal while deciding issue Nos.1 to 3.

Merely because the respondent – claimant along with his deceased wife and two minor children and another lady was riding on the motor cycle, it cannot be said that he was negligent in causing the accident. There is no evidence on record that the accident had occurred due to carelessness of the claimant Amarjit Singh. The Tribunal has found that evidence of RW-2, namely Gurlal Singh is not convincing to say that claimant Amarjit Singh was responsible for causing the accident. The truck was not insured. In view of the finding recorded by the Tribunal in paragraphs 7 to 10 of its award, we do not find any ground to interfere.

The appeals are dismissed.

(JASBIR SINGH)
JUDGE

January 09, 2006
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(BALDEV SINGH)
JUDGE